

Vesting Reclaimed Land in Waitemata City Council

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 28th day of October 1975

Present:

THE HON. R. J. TIZARD PRESIDING IN COUNCIL

PURSUANT to section 175B (2) of the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby vests in the Waitemata City Council the land described in the Schedule hereto, which land was authorised for reclamation by the Waitemata County Council Empowering Act 1966* and Orders in Council of 20 December 1963†, 21 July 1965‡, 8 June 1966§, and 9 October 1972|| such land to be vested as a recreational reserve.

SCHEDULE

ALL that piece of reclaimed Crown land situated in Block XIV, Waitemata Survey District, containing 10.9837 hectares and shown on S.O. Plan 50170. The District Land Registrar is hereby authorised to make such entries in his Register as are necessary to give effect to this order.

P. G. MILLEN, Clerk of the Executive Council.

*The Waitemata County Council Empowering Act 1966/21

†N.Z. Gazette, 16 January 1964, p. 6

‡N.Z. Gazette, 5 August 1965, p. 1251

§N.Z. Gazette, 16 June 1966, p. 951

||N.Z. Gazette, 31 October 1972, p. 2342

(M.O.T. 54/16/13)

The Takapuna City Council Foreshore and Waters Control Order 1975

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 6th day of November 1975

Present:

THE RIGHT HON. W. E. ROWLING PRESIDING IN COUNCIL

PURSUANT to sections 8A and 165 of the Harbours Act 1950, His Excellency the Governor-General acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. (a) This order may be cited as the Takapuna City Council Foreshore and Waters Control Order 1975.

(b) This order shall come into force on the date of its publication in the *Gazette*.

2. In this order—

“The Act” means the Harbours Act 1950:

“The Council” means the Takapuna City Council:

“Foreshore” means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:

“Minister” means the Minister of Transport and includes any officer, person, or authority acting by or under the direction or authority of the Minister.

3. There is hereby granted to the Council for a period expiring on 11 February 1986 subject to the provisions of sections 8A and 165 of the Act and to the conditions specified in the Fifth Schedule to this Order—

(a) The control of foreshore described in the First Schedule to this Order:

(b) The control of waters described in the Second Schedule to this Order.

These descriptions are of the new areas.

4. Such control is in addition to the control of the foreshore described in the Third Schedule and to the waters described in the Fourth Schedule by the Order in Council made on the 1st day of February 1965*.

FIRST SCHEDULE

ALL that area of foreshore adjoining the City of Takapuna commencing at the extension of the northern boundary of the East Coast Bays Borough thence to Dacre Point in the County of Rodney and including the Okura River Estuary as shown on plan marked M.D. 15648 and deposited in the office of the Ministry of Transport at Wellington.

SECOND SCHEDULE

ALL the waters inside a line 200 yds seawards of the area of foreshore adjoining the City of Takapuna commencing at the northern boundary of the East Coast Bays Borough; thence to Dacre Point in the County of Rodney as shown on plan marked M.D. 15648 and deposited in the office of the Ministry of Transport at Wellington.

THIRD SCHEDULE

ALL that area of foreshore on the western side of the Rangitoto Channel adjoining the City of Takapuna extending from the extension of the southern boundary of the East Coast Bays Borough to the extension of the southern boundary of Brett Avenue which area is shown on plan marked M.D. 11881 and deposited in the office of the Ministry of Transport at Wellington, excepting thereout the land described in the Schedule to the Takapuna Borough Foreshore Vesting Act 1914.

FOURTH SCHEDULE

ALL the tidal waters 300 ft seawards of the area of foreshore adjoining the city of Takapuna extending from the southern boundary of the East Coast Bays Borough to the southern boundary of Brett Avenue, including the waters of the Wairau Stream, which waters are shown on plan marked M.D. 11881 and deposited in the office of the Ministry of Transport at Wellington.

FIFTH SCHEDULE

CONDITIONS

1. Her Majesty or the Governor-General and all officers in the Government service acting in the execution of their duty shall, at all times, have free ingress, passage, and egress into, over, and out of the foreshore described in the First and Third Schedules and waters described in the Second and Fourth Schedules to this Order, without payment.

2. Nothing herein contained shall authorise the Council to do, or cause to be done, anything repugnant to, or inconsistent with, any law relating to the Customs, or with any regulation of the Minister of Customs, or with any provision of the Harbours Act 1950, or its amendments, or any regulations made thereunder that are, or may hereafter be, in force.

3. The rights, powers, and privileges conferred by this Order in Council shall not apply to those portions of the foreshore required for securing the shore ends of any telegraph cables that are at present, or may be at any time, laid down within the said area of foreshore.

4. The Council may make such bylaws as are necessary for the proper preservation and control of the said foreshore and for the proper conduct and clothing of persons bathing on that foreshore or in the vicinity of that foreshore.

5. The Council may, subject to the provisions of sections 176 to 182 of the Harbours Act 1950:

(a) Erect or license or permit the erection or continuance on the foreshore described in the First and Third Schedules hereto, or on the bed of the harbour or of the sea immediately contiguous to that foreshore, of baths, bathhouses, boatsheds, boatbuilding sheds, jetties, slipways or, with the approval of the Minister, any structures relating to the convenience of shipping or of the public or to any local enterprise or object:

(b) Use or license or permit the use of the foreshore described in the First and Third Schedules hereto, or the bed of the harbour or of the sea immediately contiguous to that foreshore, for any purpose approved by the Minister relating to the convenience of shipping or of the public or to any local enterprise or object:

(c) Make bylaws regulating the use of any things erected or continued pursuant to clause (a) of this condition and the use for any purpose approved pursuant to clause (b) of this condition, and fixing charges for those uses.